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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/050,455  | 01/16/2002  | Robert Desbiens      | 33263US1            | 6511             |
| 116   | 7590        | 12/23/2004           | EXAMINER            |                  |
| PEARNE & GORDON LLP<br>1801 EAST 9TH STREET<br>SUITE 1200<br>CLEVELAND, OH 44114-3108 |             |                      | KENDALL, CHUCK O    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2122                |                  |

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/050,455

Applicant(s)

DESBIENS, ROBERT

Examiner

Chuck Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. This action is in response to the application filed 1/16/02.
2. Claims 1 – 8 are pending.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1 – 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kevner USPN 5,956,509.

Regarding claim 1, Kevner anticipates a system for incrementally executing a client/server application (4:30 – 35), leveraging existing communications network infrastructure having at least one client computer and at least one server computer, wherein the at least one client computer and the at least one server computer are in communications with each other over one or more communications links within the network

infrastructure, the system comprising:

a server component comprising a plurality of portions, and provided on the at least one server computer (7:1 – 5); and

a client component provided on the at least one client computer, the client component including one or more command selectors, each of the one or more command selectors having (3:50 – 55):

associated code for selecting a function available from the plurality of portions of the server component (28: 12 – 17, see select command); and

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an associated parameter for use by the server component in determining the appropriate portion of the plurality of portions to execute to provide the selected function (28:1 – 5, see RequestDynamicParam routine).

Regarding claim 2, the system according to claim 1, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component (FIG. 10, 1001, 1010), the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (9:42 – 55).

Regarding claim 3, which is the method version of claim 1 see rationale above as previously discussed and regarding running all executed portions until an end session command is received see (45: 5 – 20).

Regarding claim 4, the method according to claim 3, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component, the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (8:35 – 50).

Regarding claim 5, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 6, which recites similarly to claim 5 see rationale as previously discussed above.

Regarding claim 7, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 8, which recites similarly to claim 4 see rationale as previously discussed above.

### ***Conclusion***

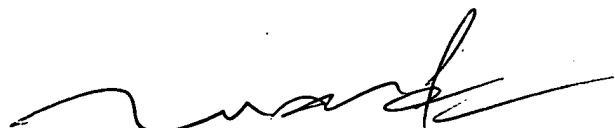
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ck



TUAN DAM  
SUPERVISORY PATENT EXAMINER